

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,) 2:11-CR-511
)
Plaintiff) Charleston,
) South Carolina
VS) November 10, 2014
)
JIAN-YUN DONG, et al,)
)
Defendants)

TRANSCRIPT OF TESTIMONY OF
AGENT LARRY LEONARD
BEFORE THE HONORABLE C. WESTON HOUCK,
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by mechanical shorthand,
Transcript produced by computer-aided transcription.

* * * *

THE COURT: All right. Call your next witness.

MR. WILLIAMS: Thank you, Your Honor. The Government calls Agent Larry Leonard.

THE CLERK: Please raise your right hand and left hand on the Bible.

State your name for the record.

THE WITNESS: Larry Leonard.

THEREUPON:

AGENT LARRY LEONARD,

Called in these proceedings and after having been first duly sworn testifies as follows:

MR. WILLIAMS: And, Your Honor, if it pleases the Court? I have three exhibits that I had wished to publish to the jury. I intend to do that at this time under the three shareholder letters that had been previously admitted through both Ron Paquette and Elaine Van Voris today. I have reserved publication. And if it pleases the Court, I will read the proper excerpts from those at this time.

THE COURT: Well, let's go ahead and examine this witness. He's here, we can handle those documents any time we need to.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: He has no connection to them. He's on the stand. Let's get rid of his testimony and move forward.

1 MR. WILLIAMS: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Sir, tell the jury where you work.

5 A. I work for the Defense Criminal Investigative Services in
6 Charleston, South Carolina.

7 Q. What is the Defense Criminal Investigative Services?

8 A. It is the investigative arm of the Department of Defense
9 Inspector General's Office.

10 Q. How long have you been with DCIS?

11 A. It's called DCIS.

12 Q. How long have you been with DCIS?

13 A. I think it's 33 years. Since 1985.

14 Q. What did you do before you worked at DCIS, if anything?

15 A. I was a Special Agent with the Naval Investigative
16 Service, now known as NCIS, in Washington D.C., and I was a
17 Special Agent with them for approximately four years.

18 Q. Did you do anything before that, educational background
19 that qualified you to work for NCIS?

20 A. 1976 I graduated from the Citadel with a Bachelor of
21 Science Degree in electrical engineering. I went into -- two
22 weeks after I graduated, I joined the United States Navy as
23 an officer. My last two years on active duty in 1979 through
24 1981 was as an intelligence analyst at the Naval
25 Investigative Service Headquarters.

1 Q. How did you end up back in Charleston?

2 A. Approximately 10 years ago -- I spent most of my career
3 in the Washington D.C. area. Just about everybody in my
4 organization, since it's relatively small, knew that I was
5 originally from Charleston, but we didn't have an office in
6 South Carolina. In 2003 I was asked to come down here to
7 open an office. In June of 2004 I came down here to join a
8 government task force run by the Department of Justice
9 involving court security and counterterrorism.

10 Q. And how long were you with that group before you went to
11 your own office?

12 A. Well, part of the agreement when I came down here was
13 that I would be a part of that task force. But in my spare
14 time I was to work DCIS cases, which are traditionally
15 contract fraud, corruption and the like. So I had a caseload
16 of DCIS-related cases. And I also worked on the task force.

17 Q. Are there other agents now since you started that office,
18 other DCIS agents, as well?

19 A. Since the office started here, two other agents have been
20 added. And I am not officially -- two years ago I was
21 reassigned to our headquarters in Arlington, Virginia.

22 Q. Did you --

23 A. But I actually work out of here.

24 Q. Did you sort of retire?

25 A. I did sort of retire.

1 Q. You signed back up and are now working cases?

2 A. I don't -- these cases are still the ones that were left
3 over before I was reassigned to headquarters.

4 Q. So what type of cases, at least most recently, have you
5 been an investigator on? What type of work do you do?

6 A. Primarily throughout my career has been involved in
7 contract fraud, public corruption, including bribery,
8 kickbacks in contracts, but all contracts involving the
9 Department of Defense, either the Department of Defense as a
10 whole or one of the military agencies.

11 Q. And you are familiar, obviously with the case you are
12 here for in court today, involving Dr. Dong, GenPhar and
13 Vaxxima?

14 A. Yes, I am.

15 Q. At some point in time did you interview -- I don't want
16 to go through your entire investigation -- but at some point
17 in time did you interview John Dong in this case?

18 A. Yes, I did.

19 Q. When was the first time you interviewed him?

20 A. August 23rd, 2009.

21 Q. Where did that interview occur?

22 A. It occurred at the FBI office in Mount Pleasant, South
23 Carolina.

24 Q. Was that after -- there had been some talk earlier about
25 a search warrant -- was that after a search warrant had been

1 executed?

2 A. It was after.

3 Q. And when you interviewed Dr. Dong, was he free to leave?

4 A. Yes, he was.

5 Q. He came in voluntarily or he wasn't under any kind of
6 arrest?

7 A. He actually called me and asked for an interview.

8 Q. And did you read him his rights, at least those that may
9 have applied in that situation?

10 A. I advised him he was free to go and he did not have to
11 answer any of our questions and he could leave at any time.

12 Q. And did you talk to him about the subject of this case,
13 about the grants that were involved in GenPhar?

14 A. Yes, I did.

15 Q. What did he tell you about the grants?

16 A. He described it all the grants were fixed price.

17 Q. Did he explain where they got money from, investment
18 money or anything like that for GenPhar?

19 A. As part of the, you know, the inquiry, we --

20 THE COURT: Now, do you have a written statement?

21 MR. WILLIAMS: Yes, Your Honor.

22 THE COURT: Do you plan to offer that in evidence?

23 MR. WILLIAMS: I wasn't planning on it, Your Honor.

24 THE COURT: Okay.

25 MR. WILLIAMS: I shouldn't say it's a written

1 statement; it's a typewritten report of the interview.

2 THE COURT: I just didn't want to go through all the
3 details if you were ultimately going to offer the statement.

4 MR. WILLIAMS: That's why I was trying to cut to
5 the chase.

6 THE COURT: That's good. I'm all for that.

7 Q. So without getting into all those background details, I
8 think you talked about the grants specifically. Did he
9 indicate in that statement to you what type of investment or
10 investor funds they had?

11 A. He indicated that when the company first started, that it
12 started with about \$1 million and then --

13 THE COURT: Let me interrupt. Let me see the
14 lawyers up here just a moment.

15 (At the bench.)

16 THE COURT: I've had criminal cases for a long time,
17 I've tried a lot of criminal cases, but my recollection is
18 that in every one I've had in the past, I've had a
19 voluntariness hearing before the statement was introduced.

20 This is a little bit unique because I knew
21 beforehand that he had voluntarily went in, and I know that
22 he's testified that there is no intention, he was in custody
23 or anything like that, but I do feel like if there is any
24 question about the voluntariness, put it on the record, then
25 I can have that hearing now outside of the presence of the

1 jury.

2 I don't know what useful purpose it would serve, but
3 it seems to me -- I don't think the rule was now, but I think
4 way back when I first started, you did have to have a hearing
5 before the statement came in. I think now -- I don't know.
6 I didn't anticipate this will happen. I hadn't even thought
7 about it, but I just wanted to open the door and see what
8 anybody thought whether I can do it, alleviate anybody's
9 doubts or fears or concerns about it, the confession in broad
10 terms, and let me know.

11 What about you?

12 MR. MACE: Judge, our concern would be we want to
13 make sure that any grant --

14 MR. WILLIAMS: I don't intend to ask about grant
15 stuff. And it's not going to go into the things I think you
16 are worried about.

17 MR. MACE: Okay.

18 THE COURT: I'm not sure I understood you.

19 MR. WILLIAMS: I think there is some other
20 information in the statements. I'm not going to ask about
21 the -- ask about the -- I mean, I think that's what they are
22 worried about. I'm not going to get into personal things,
23 things like that.

24 MR. MACE: Okay.

25 MR. WILLIAMS: I may ask about lobbying.

1 THE COURT: You ask him about that after five days
2 of trial, I think.

3 MR. WILLIAMS: I think it would be a mistrial at
4 the --

5 MR. DICKSON: He didn't sign these documents, or
6 these memorandums.

7 MR. WILLIAMS: They are reports of an interview.

8 THE COURT: How many more witnesses do you have?
9 You are up to 20 now.

10 MR. WILLIAMS: We've got three more.

11 THE COURT: What is Bob Bickerton doing here?

12 MS. PARHAM: Watching.

13 MR. DICKSON: I don't see where he signed them.

14 MR. WILLIAMS: I didn't say he did. I said we have
15 reports of an interview.

16 MR. DICKSON: Okay. We just call them statements.
17 I'm kind of concerned.

18 (In open court.)

19 Q. Agent Leonard, I believe you were starting to talk about
20 what this defendant told you about private investment money
21 when you interviewed him.

22 A. Yes.

23 Q. What did he say?

24 A. The initial investment was approximately \$1 million. And
25 then subsequent to that, they received an additional

1 investment, another \$12 million.

2 Q. Did he explain more recent investments, as well?

3 A. Yes.

4 Q. What did he explain about recent investments?

5 A. He indicated that he had gotten, I believe \$4 million
6 from Reinhard Hubner, a German investor.

7 Q. And did he explain what the status of the investment
8 funds were at the time of the interview in 2009?

9 A. He said at the time of the interview that they had no
10 more, he called it a buffer, with investor funds for the
11 company.

12 Q. Did he explain to you the organization of GenPhar, his
13 role at GenPhar?

14 A. Yes. He said he was the President and Chief Executive
15 Officer of the company.

16 Q. Did he explain how he was compensated through GenPhar?

17 A. He did.

18 Q. What did he tell you?

19 A. In the first interview, he said that he was paid as a
20 consultant \$150,000 a year.

21 Q. Did he explain at all how grant expenses could be used or
22 not used for the building?

23 A. We did ask how he -- what money the company had available
24 to it. And he indicated there were investor funds, and then
25 he used the term called money earned, which was unfamiliar to

1 me, and grant funds was funds that were coming into the
2 company.

3 Q. So did he explain any further, at least at that time,
4 what this money earned concept was?

5 A. He basically said that these were milestone-driven
6 contracts, and most of the milestones were reached. And any
7 money leftover was no longer grant money and that it could be
8 used for anything.

9 Q. And did you ask him if that money was used for the
10 building?

11 A. I did.

12 Q. What was his response?

13 A. He said that money earned was used.

14 Q. Did he indicate whether he thought the grant money could
15 be used for lobbying?

16 A. He indicated that he could not use indirect costs for
17 lobbying, but that he could use the money earned for
18 lobbying.

19 Q. So that was on August 26th of 2009, correct?

20 A. That's correct.

21 Q. Did you have a second followup interview with him?

22 A. Yes, I did.

23 Q. And about what day was that, approximately?

24 A. It was December the 23rd, same year, 2009.

25 Q. Were the circumstances of that interview any different?

1 A. Very similar. He called and asked to come in and talk.

2 The first interview was when it was -- when it was
3 set up, we only -- we knew we only had two hours. He had a
4 conference call that he needed to make, and so we didn't
5 exactly get finished, but we got through most of everything.

6 But then in December he asked to come back in and to
7 discuss this with us. And so it was basically the same. We
8 met in the -- at the Mount Pleasant FBI Office. Special
9 Agent Olsen from the FBI and myself conducted both
10 interviews. And he went back through that he did not have to
11 answer any questions and he was free to leave.

12 Q. And did you ask him any followup questions regarding the
13 corporate structure again of GenPhar and Vaxxima?

14 A. I did.

15 Q. And did he explain on December 24th --

16 A. He explained that he was the Chief Executive Officer and
17 President. He identified his wife at the time, Dr. Danher
18 Wang, as the Vice President for Research and Chief Scientific
19 Officer. He identified Stephanie Rabon as the bookkeeper.
20 He also said that Linda Richards was employed, I don't know
21 that he meant in that particular sense, but he said she was
22 employed as their accountant. And he also identified an
23 outside auditing firm.

24 Q. Did you re-discuss or did you have another discussion
25 about this money earned concept and how the building was paid

1 for?

2 A. We did. I wanted to have him clarify a little better
3 what money earned meant.

4 Q. What did he say?

5 A. Pretty much that it was when they reached a milestone and
6 they were paid by the Government, that that money was earned;
7 and as a result, it could be used for other things.

8 Q. Did he ever say that he talked with anybody about that or
9 discussed it with grantors?

10 A. We asked him if he had talked to anybody in the United
11 States Government who had told him that. Initially he said
12 that he had not. And the second time, the second interview,
13 he said that he recalled that he talked to somebody but he
14 didn't know who it was.

15 Q. As far as future interviews, did you have a third
16 interview with him?

17 A. Yes. I interviewed him in August of 2010.

18 Q. And was that a similar circumstance where he was free to
19 leave; wasn't forced to be there; was given his rights?

20 A. Yes.

21 Q. And in that interview, was there some discussion about
22 grants and possible loans? If you need to refer to your
23 notes, certainly do.

24 A. In August 2010, by that time we knew that the company
25 basically had ceased operation. So he came in and indicated

1 that they did not have any funds left.

2 Q. Did he have any plan to try to complete the building at
3 that time?

4 A. He did. The company had obtained a first mortgage, a
5 loan for the building, in November 2009 after the search
6 warrant. And during this meeting, he said that they were not
7 able to pay the mortgage or get an additional loan to pay for
8 the completion of the building.

9 Q. Was there any -- did you have an understanding based on
10 your conversations with him that he was able to obtain
11 additional investor funds at that point in time?

12 A. At that time, no.

13 Q. Did that come up in a later interview?

14 A. Yes.

15 Q. As far as from that interview, did he give any opinion as
16 to whether grant funds could be spent on other projects?

17 A. Yes. He has maintained that all along.

18 Q. That it could or that it couldn't be?

19 A. Well, if the questioning was put to him as, Could you use
20 grant funds to do this? His answer would be no. But then he
21 would turn around and say that money earned from the grants
22 could be.

23 Q. And did -- I believe he told you something to the effect
24 of earning that money?

25 MR. MACE: Objection, leading, Your Honor.

1 THE COURT: I'm going to permit it. We are trying
2 to shorten the time, and I think sometimes leading questions
3 help. And I don't think the question here is helping the
4 witness answer. I think his answer is going to be the same
5 whether it's leading or not.

6 So go ahead.

7 Q. Did he discuss with you whether he thought the money
8 diverted to the GenPhar building was justifiable?

9 A. Well, he kind of rejected the idea of diverting money.
10 He thought that was illegal to divert money. But he did
11 think that the money being used in this building was
12 justifiable even in the proposals that were submitted.

13 Q. And then I believe you said you had one other interview
14 with him.

15 A. That's correct.

16 Q. Let me go back -- there was one other thing in that
17 August 13th interview. Did he talk to you about his -- well,
18 let me ask you: In any of these interviews, did he talk with
19 you about his understanding of how grants work?

20 A. Yes, he did.

21 Q. What was his explanation of his understanding of grants?

22 A. I'm not sure I understand your question.

23 Q. Did he ever tell you how he knew about grants or what his
24 rule was in grants?

25 A. Well, he said that he had worked with grants for many

1 years and he considered himself to be well-versed with
2 regards to grants.

3 Q. And I believe that came up in a 2011 interview?

4 A. That's correct.

5 Q. And was that the last interview that you had with the
6 defendant?

7 A. Yes.

8 Q. That was what day?

9 A. That was in September, um, September the 16th, 2011.

10 Q. And so what did he tell you about his understanding of
11 grants?

12 A. He said that he was very knowledgeable of grants; that he
13 sat on committees to evaluate grants and he considered
14 himself to be more knowledgeable than most with regards to
15 grants and grant receivers.

16 He also indicated that as the President and CEO of a
17 corporation receiving grants, that he was responsible for
18 reading the grant and then following the rules and
19 regulations associated with.

20 Q. And did he tell you in that interview whether he had a
21 new investor in GenPhar?

22 A. Yes, he did.

23 Q. What was his explanation of the new investor, what he may
24 or may not have told the investor?

25 A. The new investor was an investor from Hong Kong. And we

1 asked him if he had informed this investor of the ongoing
2 investigation, and he said that he had not.

3 Q. As far as this issue with time sheets, did you ask him
4 whether he had any role in how the time sheets were filled
5 out?

6 A. He said he was knowledgeable with regards to how the time
7 sheets were filled out. And he also made a comment, I don't
8 remember exactly which interview it was in, but it was to the
9 effect that GenPhar employees were not authorized to put
10 their time on their time sheets if it was not for work they
11 had not done.

12 MR. WILLIAMS: Thank you, Agent Leonard. Nothing
13 else.

14 MR. MACE: Thank you, Judge.

15 Would it be permissible for me to see the documents
16 that Agent Leonard is refreshing his recollection?

17 THE COURT: Sure.

18 CROSS-EXAMINATION

19 BY MR. MACE:

20 Q. Agent Leonard, the style of the caption of the documents
21 you are using to refresh your recollection with, it says "Qui
22 Tam Claim" on it, right?

23 A. The header on the document, yes.

24 Q. Okay. And I think the ladies and gentlemen of the jury
25 already know this --

1 THE COURT: I didn't know he was refreshing his
2 recollection.

3 MR. MACE: I believe he was, Judge. I believe Mr.
4 Williams asked him and he has been looking down at those
5 documents during his testimony.

6 THE COURT: Well, I think we need to put that on the
7 record. I think that the jury has the obligation of judging
8 this witness's credibility. And if there is anything about
9 his testimony that may be relevant, they have the right and
10 we have the obligation to tell them what it is.

11 Now, we have been through -- yes, sir?

12 MR. WILLIAMS: I was going to make the record
13 whenever Your Honor wanted. I can ask him those questions.

14 THE COURT: We have been through the refreshing of a
15 witness's recollection on several occasions. Today Mr. Klumb
16 followed a little different procedure than he did the other
17 day to the point where I commented to my clerk and wanted a
18 break. I said, I finally got somebody to read a rule because
19 it was obvious that he had read the Rule. I don't know
20 whether it was 608, 602, whatever it is, and asked for
21 permission to refresh the witness's recollection, showed the
22 exhibit, had it approved, went through the procedures
23 outlined in the Rule where that hadn't been done before.

24 Now, here we have a witness who is testifying from a
25 document, and we need to have that document identified so

1 that the jury will know what he's using to prompt himself
2 during this testimony. That's crucial, it seems to me, or
3 could be crucial in the jury's mind as to judging his
4 credibility.

5 Now, what is it he's using, and has he used this
6 throughout his testimony?

7 MR. WILLIAMS: I can ask those questions, Your
8 Honor.

9 EXAMINATION

10 BY MR. WILLIAMS:

11 Q. Agent Leonard, you have some documents with you?

12 A. I do.

13 Q. What are they?

14 A. They are the four reports of the interview that we have
15 been talking about with Dr. Dong.

16 Q. Have you referred to those on occasion in your testimony
17 to refresh your recollection?

18 A. Well, I did look at them, but I didn't have my glasses
19 on, so I really couldn't read them. But yes, I did look at
20 them.

21 Q. So you weren't testifying from those documents; you just
22 had them there sort of as a crutch?

23 A. Pretty much.

24 Q. So they weren't used to refresh your recollection so much
25 as should that have come up, you may be able to --

1 A. I couldn't find them on the pages.

2 THE COURT: Come around, Mr. Williams, and be sworn,
3 please. Okay.

4 MR. WILLIAMS: Does that suffice, Your Honor?

5 THE COURT: Anything you want to add to it? I'm not
6 trying to do anything except paint the proper picture for the
7 jury.

8 MR. MACE: Judge, my recollection is that Mr.
9 Williams asked Agent Leonard several times several different
10 questions, and Agent Leonard looked down and put his glasses
11 on and reviewed those documents.

12 THE COURT: Well, I watched him throughout his
13 testimony and I usually pick up on that, and I didn't pick up
14 on it. So if he looked down, he wasn't constantly reading
15 anything or I would have noticed it, I think, and the jury
16 would have, as well, and --

17 MR. WILLIAMS: I can mark those as an exhibit just
18 to be safe. That's fine with me.

19 THE COURT: Okay. Go ahead.

20 MR. MACE: Thank you, Judge.

21 Q. The documents that you generated, the style of the
22 caption, it's called "Qui Tam Claim"; is that correct?

23 A. That's correct.

24 Q. And that refers to a civil case?

25 A. Actually, what that refers to is a requirement

1 involving -- any time we have an investigation that initiated
2 under qui tam, it has to have that header on it so that it
3 does not -- because it is sealed -- that it does not get
4 released accidentally. So that header is placed on any case
5 that comes in initially as a qui tam until it is unsealed.

6 Q. Okay. But are all of your reports that you generated
7 while interviewing Dr. Dong, do they all say qui tam on them?

8 A. I believe they do.

9 Q. So going back to my original question: This started out
10 as a civil qui tam claim?

11 A. The initial complaint came in as a qui tam claim,
12 correct.

13 Q. And how were you assigned to that qui tam claim?

14 A. Well, I got a call from the Department of Justice that a
15 qui tam had been filed involving the Department of Defense.
16 There was going to be a meeting with the relators of that. I
17 think I got the actual complaint a day or two maybe or each
18 on the day of, I don't remember at this point, about the qui
19 tam. I reviewed it; participated in the initial meeting with
20 Special Agent Dimler and two or three AUSAs from the U.S.
21 Attorney's Office here in Columbia. And that's pretty much
22 the way normal procedure is for any of these kind of
23 allegations.

24 Q. Okay. And are those relators Elaine Van Voris that
25 testified here earlier today?

1 A. I think her name is Elaine.

2 Q. Elaine. And then was Johnston the other one?

3 A. Peter Van Voris and then John Johnston.

4 Q. So you met with them. That was the initial stage of your
5 involvement in this case?

6 A. That's correct.

7 THE COURT: Ladies and gentlemen of the jury, it's
8 kind of confusing. Most people have never heard of a qui tam
9 suit. But it is a lawsuit that is brought almost always -- I
10 can be corrected by counsel if I'm wrong -- but it's almost
11 always brought by a whistle blower. And it's brought against
12 some institution claiming that they have made false claims
13 against the Federal Government. They can be brought against
14 hospitals where it was claimed that they used improper
15 influences to get doctors to come practice in their hospital
16 so that their Medicare payments would grow, and whistle
17 blowers in the hospital brought the qui tam litigation.

18 It's brought, it's investigated, and then as I
19 mentioned the other day, it's sealed. And that's the status
20 of it here today. I've never seen it. That aspect of this
21 case was sent before Judge Gergel who sits in the same spot I
22 do over in the other building. And he has that case and he
23 routinely signed an order of seal. We normally sign them.
24 And it could go on for a year or longer before the seal is
25 broken.

1 Any other explanation you want me to give to them?

2 MR. MACE: No, sir, that's sufficient.

3 THE COURT: As far as -- and it is a suit for a
4 false claim and it's a suit for damages. Okay.

5 MR. MACE: Thank you, Judge.

6 Q. Agent Leonard, just briefly, Dr. Dong voluntarily came to
7 see you at the FBI Office?

8 A. Yes, he did.

9 Q. How many times?

10 A. At the FBI Office, I think it was three times.

11 Q. And then the last time where did he come see you?

12 A. The last interview was with his attorney at the U.S.
13 Attorney's Office in Columbia.

14 Q. Okay. But again, you didn't force him to come in; he
15 voluntarily wanted to come see you?

16 A. We generally don't force people to come in.

17 Q. Again, he voluntarily came to see you?

18 A. Yes.

19 MR. MACE: Thank you.

20 MR. DICKSON: My usual one question.

21 THE COURT: You can ask all the questions you want
22 to.

23 MR. DICKSON: But I only want to ask these two.

24 CROSS-EXAMINATION

25 BY MR. DICKSON:

1 Q. Agent Leonard, you determined there were about 12 or \$13
2 million in original investments in GenPhar?

3 A. That was what he reported.

4 Q. You didn't try to confirm it?

5 A. We had an auditor assigned to the investigation to go
6 through the books and records.

7 Q. I couldn't quite hear you.

8 A. I said we had an auditor assigned to the investigation.
9 There were five agencies involved in this case: The FBI,
10 DCIS, NCIS, United States Army Criminal Investigation
11 Division, HHS, and we also had an auditor from the Defense
12 Contract Audit Agency. And so for the most part all --

13 THE COURT: Wait a minute. I don't know whether you
14 are going into what the auditor said or not, but I think
15 you've answered the question.

16 Go ahead.

17 Q. You didn't personally determine yourself, is my question?

18 A. I did not.

19 Q. What about the summer of 2010, or at least the last --
20 the interview of Dr. Dong in 2010, you had determined through
21 the investigation that GenPhar was broke, had no money, was
22 out of business?

23 A. Yes.

24 Q. That's your answer?

25 A. Yes.

1 Q. I'm sorry. I'm a little hard of hearing. I wanted to be
2 sure I heard you.

3 A. By 2010.

4 Q. Yes.

5 A. Yes.

6 MR. DICKSON: No further questions.

7 THE COURT: Anything further from the Government?

8 MR. WILLIAMS: Not with this witness, Your Honor.

9 THE COURT: Thank you, sir. You are excused.

10 *****

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14 I certify that the foregoing is a correct transcript from the
15 record of proceedings in the above-titled matter.
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21 Amy C. Diaz, RPR, CRR

November 25, 2014

22 S/ Amy Diaz
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